

AMENDED IN SENATE MAY 16, 1996

AMENDED IN SENATE APRIL 8, 1996

SENATE BILL

No. 1841

Introduced by Senator Mello

February 22, 1996

An act to amend Section 84300 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

SB 1841, as amended, Mello. Political Reform Act of 1974: contributions.

Existing provisions of the Political Reform Act of 1974 provide that campaign contributions of \$100 or more shall be made by written instrument containing the name of the donor and the name of the payee.

This bill would add the requirement that the written instrument used in making a campaign contribution of \$100 or more must also be drawn from the account of the donor, *or the intermediary as defined pursuant to existing law*.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on certain persons who violate the provisions of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84300 of the Government Code
2 is amended to read:

3 84300. (a) No contribution of one hundred dollars
4 (\$100) or more shall be made or received in cash.

5 A cash contribution shall not be deemed received if it
6 is not negotiated or deposited and is returned to the
7 contributor before the closing date of the campaign
8 statement on which the contribution would otherwise be
9 reported. If a cash contribution, other than a late
10 contribution, as defined in Section 82036, is negotiated or
11 deposited, it shall not be deemed received if it is refunded
12 within 72 hours of receipt. In the case of a late
13 contribution, as defined in Section 82036, it shall not be
14 deemed received if it is returned to the contributor
15 within 48 hours of receipt.

16 (b) No expenditure of one hundred dollars (\$100) or
17 more shall be made in cash.

18 (c) No contribution of one hundred dollars (\$100) or
19 more other than an in-kind contribution shall be made
20 unless in the form of a written instrument containing the
21 name of the donor and the name of the payee and drawn
22 from the account of the donor *or the intermediary, as*
23 *defined in Section 84302.*

24 (d) The value of all in-kind contributions of one
25 hundred dollars (\$100) or more shall be reported in
26 writing to the recipient upon the request in writing of the
27 recipient.

1 SEC. 2. No reimbursement is required by this act
2 pursuant to Section 6 of Article XIII B of the California
3 Constitution because the only costs that may be incurred
4 by a local agency or school district will be incurred
5 because this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition
9 of a crime within the meaning of Section 6 of Article
10 XIII B of the California Constitution.

11 Notwithstanding Section 17580 of the Government
12 Code, unless otherwise specified, the provisions of this act
13 shall become operative on the same date that the act
14 takes effect pursuant to the California Constitution.

15 SEC. 3. The Legislature finds and declares that the
16 provisions of this act further the purpose of the Political
17 Reform Act of 1974 within the meaning of subdivision (a)
18 of Section 81012 of the Government Code.

